

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

**IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

Case No. 07-5944 JST
MDL No. 1917

This Document Relates to:
Case No. 13-cv-1173-JST (N.D. Cal.)

SHARP ELECTRONICS CORPORATION
SHARP ELECTRONICS
MANUFACTURING COMPANY OF

Plaintiffs

v.

HITACHI, LTD., *et al.*,

Defendants.

**[PROPOSED] ORDER GRANTING
THE TOSHIBA DEFENDANTS'
MOTION TO CONTINUE TRIAL
SUBPOENA AND ISSUE ADVERSE
JURY INSTRUCTION IN THE
EVENT OF A FAILURE TO APPEAR
AT TRIAL**

[PROPOSED] ORDER GRANTING THE TOSHIBA DEFENDANTS' MOTION TO CONTINUE TRIAL SUBPOENA AND ISSUE ADVERSE JUDGMENT INSTRUCTION IN THE EVENT OF A FAILURE TO APPEAR AT TRIAL

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1 Having considered the Toshiba Defendants' Motion to Continue Trial Subpoena and
2 Issue Adverse Jury Instruction in the Event of a Failure to Appear at Trial (the "Toshiba
3 Defendants' Motion"), as well as all papers filed in support of and in opposition to such
4 motion and counsel's oral arguments, and good cause appearing, IT IS HEREBY:

5 ORDERED that the Toshiba Defendants' Motion is GRANTED. The trial subpoena
6 served on Nobuo Harada shall remain in full force and effect and shall compel the attendance
7 of said witness on the new trial date of March 6, 2017; it is further

8 ORDERED that, in the event that Mr. Harada fails to appear to testify at the March 6,
9 2017 trial, an adverse missing witness jury instruction shall be issued instructing the jury to
10 infer that his testimony would have been unfavorable to Sharp Electronics Corporation and
11 Sharp Electronics Manufacturing Company of America, Inc.

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IT IS SO ORDERED.

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Dated: _____

18 HONORABLE JON S. TIGAR
19 UNITED STATES DISTRICT JUDGE

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[PROPOSED] ORDER GRANTING THE TOSHIBA DEFENDANTS'
MOTION TO CONTINUE TRIAL SUBPOENA AND ISSUE ADVERSE
JURY INSTRUCTION IN THE EVENT OF A FAILURE TO APPEAR AT TRIAL

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